

## **REMARKS/ARGUMENTS**

### **STATUS OF CLAIMS**

Claims 1-4, 9 and 11 are now pending in this application and indicated allowable by the Examiner.

### **AMENDMENTS TO THE SPECIFICATION**

In the Notice of Allowability, the Examiner required that a substitute specification be submitted with the necessary headings as set forth in CFR 1.77(b) and (c).

In a telephone interview with the Examiner on April 7, 2008, Applicants attorney pointed out that 37 CFR 1.77 states:

(b) The specification ***should include*** the following sections in order...

The use of the words “should include” evince that the listed sections and order for the specification is merely suggestive, as mandated words, such as “the specification ‘shall include’ or ‘must include’ ”, are not used. Therefore, the Examiner cannot require that the specification have the headings that are suggested.

However, to expedite prosecution, Applicants agree to add the headings identified in 37 CFR 1.77.

In the telephone interview on April 7, 2008, the Examiner agreed that the headings can be added to the specification via an Amendment Under 37 CFR 1.312. The above amendments to the specification encompass the new headings.

In this regard, it should be noted that the originally filed specification already had

headings. Consequently, the Examiner's requirement appears to be that the only headings permitted in a patent application are those that are listed in 37 CFR 1.77. However, Applicants and their attorney cannot accept such limited interpretation of headings and believe that the originally filed headings should be accepted by the Examiner.

### **CONCLUSION**


In view of the above, applicant(s) believes the pending application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Edward J. Wise (Reg. No. 34,523) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

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Respectfully submitted,

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